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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,937	11/13/2001	Pedro S. Baranda	OT-4986;60,469-054	5631

7590

12/09/2003

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EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,937

Applicant(s)

BARANDA ET AL.

Examiner

Marcus Charles

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This action is responsive to the amendment filed 10-03-2003, which has been entered.

Claims 1-27 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4, 9-12, 15-16 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by WO (01-14630). WO (01-14630) discloses an elevator belt (22) comprising a plurality of cords (30, 28) aligned parallel to the longitudinal axis; a jacket (26) over the cords, the jacket includes a generally smooth surface. Note each cord is spaced apart and have different sizes composed of different material. Therefore, it is apparent that the cords are maintained individually. It is also apparent that the cords extend along the entire length of the belt and parallel with the longitudinal axis of the belt.

In claim 11, note the cords are positioned within the jacket such that the spacing between the cords are continuous along the length of the belt.

In claim 12, note the jacket include facings that are continuously uninterrupted.

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Regarding claims 1-4, 8-9, 15-16 and 20, it is apparent that the method and process steps would be inherently included during the manufacturing of WO (01-14630) device.

3. Claim 25 is rejected under 35 U.S.C. 102(a) as being anticipated by O'donnell et al. O'donnell et al. discloses an elevator belt (26) comprising a plurality cords (40) that are generally parallel to the longitudinal axis of the belt, waxless polyurethane jacket over the cords, wherein the jacket includes a smooth uninterrupted exterior surface.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7, 14 and 17-18, 21-23, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view of O'donnell et al. (US2003/0024770) WO (01-14630) discloses the claimed invention above, except for the jacket is waxless urethane or polyurethane jacket. O'donnell et al. discloses an elevator belt comprises a waxless urethane or polyurethane jacket in order to ensure better friction characteristic. Therefore, it would have been obvious to one of ordinary skill in the art to replace the jacket of WO (01-14630) with the waxless urethane or polyurethane jacket of O'donnell et al. in order to ensure better friction characteristic.

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In claim 27, it is well known to cool the molding device with fluid

Regarding claims 5-7, 15-16 and 22-23, it is apparent that the method and process steps would be inherently included during the manufacturing of WO (01-14630) device.

6. Claims 13, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630, applicants prior art) in view of JP(63-214538). WO (01-14630) does not disclose that the jacket is made from polyurethane. JP(63-214538) discloses a belt jacket made from polyurethane in order to improved bending resistance and reduces noise during operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of WO(01-14630) so that the jacket is made from polyurethane in view of JP(63-214538) in order to improved bending resistance and noise during use.

Allowable Subject Matter

7. The indicated allowability of claims 5-8, 14 and 17-18 is withdrawn in view of the newly discovered reference(s) to O'donnell et al. Rejections based on the newly cited reference(s) follow.

Response to Arguments


8. Applicant's arguments filed 10-03-2003 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Marcus Charles
Primary Examiner
Art Unit 3682
November 21, 2003